

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
CASE NO. 05-11283-NG

TERESA A. MCCOY)
Plaintiff)
)
V.)
)
PRUDENTIAL INSURANCE COMPANY)
OF AMERICA)
STATE STREET CORPORATION)
Defendants)

**MOTION OF PLAINTIFF TERESA MCCOY
THAT THE DENIAL OF SHORT TERM DISABILITY BENEFITS CLAIM
BY PRUDENTIAL INSURANCE COMPANY OF AMERICA
WITH STATE STREET CORPORATION
IS GOVERNED BY MASSACHUSETTS LAW**

NOW COMES the plaintiff and moves this Court to enter an order that the denial of Short Term Disability benefits by Prudential Insurance Company of America and State Street Corporation will be governed by Massachusetts law. As such, the claim may not be reviewed in the usual manner in which ERISA welfare benefits claims are considered by District Courts, but is subject to regular discovery and a jury trial.

In support of this motion, the plaintiff files her memorandum herewith.

RULE 7.1 CERTIFICATION

Plaintiff's counsel certifies that he conferred with both State Street Corporation's counsel and Prudential Insurance Company of America's counsel on the issue of standard of review prior to filing this motion relating to short term disability benefits and a separate motion on the standard of review for long term disability benefits.

TERESA A. MCCOY

By Her Attorneys,
/s/ Jonathan M. Feigenbaum

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non-registered participants on this 23rd day of June 2006.

/s/ Jonathan M. Feigenbaum

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